

## CLAIMS: FORMATION OF TRIBUNAL

*Exchange of notes at Managua March 21 and 24, 1911*

*Entered into force March 24, 1911*

*Terminated on fulfillment of its terms*

1911 for. Rel. 630; Treaty Series 566½

### EXCHANGE OF NOTES

*The American Minister to the Minister of Foreign Affairs*

AMERICAN LEGATION

*Managua, March 21, 1911*

SIR: I have the honor to inform your excellency that I am directed by my Government to inform the Government of your excellency that pursuant to the desire heretofore expressed by the Government of Nicaragua to place itself in accord with the Department of State of the Government of the United States in the formation of a tribunal to investigate and pass upon all unliquidated claims against the Government of Nicaragua, including such as may arise out of the abolition or discontinuance of the monopolies, concessions, leases, and other contracts created during prior Nicaraguan administrations, so that there may be given a guaranty of impartiality to foreigners in the adjustment of these matters, the Government of the United States has assented to the proposal made by your excellency's Government to form such a tribunal, and agrees to join the Nicaraguan Government in the constitution and establishment thereof.

It is understood by my Government that the said tribunal or claims commission shall be composed, for all cases, of three persons acting as one tribunal; the three persons being: One Nicaraguan, and one citizen of the United States, the latter recommended by the Government of the United States, both to be appointed by the Government of Nicaragua, and an umpire to be appointed by the Department of State of the United States; every case in which the above-mentioned claims are involved to be initially presented before the tribunal so constituted and to be heard in its entirety and decided by the tribunal, a majority vote of the three members being sufficient for a decision upon all matters coming before it; the two commissioners and

the umpire all sitting as a court on all cases presented and all voting on each case.

I have the honor further to inform your excellency that I am directed to say that my Government recommends Thomas P. Moffat, Esq., to your excellency's Government for appointment as the second member of said commission.

I avail, etc.,

ELLIOTT NORTHCOTT

His Excellency

Dr. JOAQUIN GOMEZ,  
*Minister for Foreign Affairs,*  
*Etc., etc., etc.*

---

*The Minister of Foreign Affairs to the American Minister*

[TRANSLATION]

MANAGUA, *March 24, 1911*

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's courteous communication of the 21st instant in which your excellency is pleased to inform me that, in accordance with the wishes previously expressed by the Government of Nicaragua to place itself in accord with the Department of State of the United States with regard to the organization of a tribunal to examine and pass upon all unliquidated claims pending against my Government including such as may originate from the cancellation or suspension of monopolies, concessions, leases, and other contracts entered into by prior Governments of this Republic for the purpose of guaranteeing the necessary impartiality to foreigners in the adjustment of these questions, the Government of the United States assents and accedes to the proposal of my Government to form such a tribunal and agrees to act with the Government of Nicaragua in constituting and composing the tribunal referred to above.

Your excellency then goes on to explain what is in your opinion the composition, procedure, and practice of the tribunal, and you conclude by informing me that your excellency's Government recommends that Thomas P. Moffat be nominated as the second member of the commission.

I have received instructions from my Government to reply to your excellency that, as the Governments of Nicaragua and the United States are in accord on these points, it will proceed to take the necessary steps leading to the creation, the organization, and the constitution of the tribunal, keeping before it the fact that Mr. Moffat has been recommended, and

assuring your excellency that the name of the Nicaraguan member will very soon be made known.

I avail, etc.,

JOAQUÍN GÓMEZ

To His Excellency

MR. ELLIOTT NORTHCOTT

*etc., etc., etc.*